REMARKS/ARGUMENTS

Reconsideration of this application is requested. Claims 1-8 are active in the application subsequent to entry of this Amendment.

In preparing this response applicants have noted a typographical error appearing on page 25, line 15 of the specification. The upper value of this range should be 55% as shown, for instance, in original claim 7. This change is also consistent with the preferred range of 20 to 50%. No new matter is involved.

Claim 1 is amended in order to more particularly point out and distinctly claim that which applicants regard as their invention.

In the Official Action the examiner has indicated claim 8 to be allowable over the art of record but rejects claims 1-7 as being "obvious" and therefore unpatentable over U.S. patent 5,708,049 to Katagiri et al. This rejection is respectfully traversed as the document relied upon is not suggestive of the subject matter defined by claims 1-7 and in any event applicants' specification demonstrates products and properties in no way envisioned by the disclosures of the citation.

The colored composition of the present invention contains a colorant carrier and a green colorant dispersed in the colorant carrier. The green colorant consists of a first halogenated metallophthalocyanine pigment and a second halogenated metallophthalocyanine pigment. The first phthalocyanine pigment has copper as a central metal, while the second phthalocyanine pigment has a metal selected from Mg, Al, Si, Ti, V, Mn, Fe, Co, Ni, Zn, Ge and Sn, as a central metal. In addition, the content of the second halogenated metallophthalocyanine pigment is 1 to 80 mol% of the total amount of the green colorant.

A mixture of the first and second phthalocyanine pigments can shift the light-transmitting wavelength region toward a longer wavelength side and provide a green filter having a higher brightness. This is demonstrated by Examples 1-7 and Comparative Examples 1-2 described in the specification of the present application. From these

examples and data it is clear that the green colored compositions of Examples 1-7, which contain the first and second phthalocyanine pigments in quantitative ratios that are within the range specified in the present invention (the mol ratio of a copper phthalocyanine pigment to another-metal phthalocyanine pigment in Examples 1-7 is 97:3, 95:5, 90.5:9.5, 79:21, 70:30, 58:42 and 79.5:20.5 (10+10.5)), provide green filters having a significantly increased brightness (Y-value) than the green colored compositions of Comparative Examples 1-2, which contain the first and second phthalocyanine pigments in ratios that are outside the range specified in the present invention (the mol ratio of a copper phthalocyanine pigment to another-metal phthalocyanine pigment in Comparative Examples 1-2 is 99.9:0.1 and 9.9:90.1). See the discussion beginning at page 45 and onward of the specification.

The evidence of unexpected results as shown by the data provided in Examples 1-7 and Comparative Examples 1 and 2 of the originally filed specification demonstrate unexpected results. The results presented in the original specification accompanied by the executed declaration signed by the inventors has significant evidentiary weight, comparable to the weight given to an executed declaration. It is well established by the Federal Circuit that "the examiner must consider comparative data presented in the specification which is intended to illustrate the claimed invention in reaching a conclusion in regard to the obviousness of claims." *In re Margolis*, 785 F.2d 1029, 228 U.S.P.Q. 1123, 1129 (Fed. Cir. 1993).

In contrast to the present invention, Katagiri et al discloses a composition for contact lens, comprising a polymer and a poly(meth)acrylate-combined metallophthalocyanine compound. The reference however neither discloses nor suggests the use of a metallophthalocyanine pigment that is not combined with poly(meth)acrylate like the metallophthalocyanine pigments used in the present invention. In addition, the reference neither discloses nor suggests the use of a combination of various halogenated metallophthalocyanines. Thus, the reference obviously neither discloses nor suggests the use of a copper phthalocyanine pigment together with another (second) metallo-

phthalocyanine pigment where the second halogenated metallophthalocyanine pigment content is within the range of 1 to 80 mol%, or that such a concomitant use of the specified pigments increases brightness. Therefore, applicants submit that the present invention as defined in claims 1-7 is not obvious over the reference.

For the above reasons, it is respectfully submitted that claims 1-7 define inventive subject matter and are allowable as is claim 8. Reconsideration and favorable action are solicited.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: 

Arthur R. Crawford
Reg. No. 25,327

ARC:eaw
1100 North Glebe Road, 8th Floor
Arlington, VA 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100